

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STATE OF NEVADA,

Case No.: 2:23-cv-01989-APG-BNW

Plaintiff

Order Remanding Case for Lack of Subject Matter Jurisdiction

V.

TAZ TA'VON HAMMOND,

Defendant

Defendant Taz Hammond removed this action from Las Vegas Justice Court based on federal question jurisdiction. ECF No. 1-1. Under 28 U.S.C. § 1331, federal district courts have jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” It appears that Hammond believes federal question jurisdiction exists because he claims constitutional violations related to a traffic stop and resulting ticket. As I previously advised defendant, his federal defenses or counterclaims cannot create federal question jurisdiction for plaintiff. See *Holmes Grp., Inc. v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 831 (2002) (holding that a counterclaim cannot serve as the basis for federal question jurisdiction); *Hall v. N.Y. Central Lines, Inc.*, 476 F.3d 683, 687 (9th Cir. 2007) (stating that “the existence of a defense based upon federal law is insufficient to support jurisdiction” (quotation omitted)).

Consequently, I ordered him to show cause why this action should not be remanded to the court from which it was removed. ECF No. 3.

21 Hammonds responds that there is federal question jurisdiction because “the cause of
22 action arose from an act of congress regulating commerce (Traffic),” and he cites 49 U.S.C.
23 § 31301(2) in support. That statute addresses federal requirements for commercial motor vehicle

1 operators. Hammond's own removal papers show that this case has nothing to do with
2 enforcement of federal law on commercial motor vehicle operators. Hammond states that he was
3 pulled over by a Nevada state police officer, that he told the officer that he was operating a
4 "private vehicle" (a Toyota Corolla), and that he was "engaged in safe conduct not in commerce
5 at the time of the stop." ECF No. 1-1 at 2, 8. The ticket was issued by the State of Nevada for
6 having a fictitious or revoked registration, driving an unregistered vehicle, driving without a
7 license, and not having proof of insurance. *Id.* at 7.

8 Hammond also states that the Constitution gives Congress the power to regulate
9 commerce with foreign nations, among states, and with Indian tribes, and that this court has
10 jurisdiction under 28 U.S.C. § 1337(a) over any civil action arising out of a congressional act
11 regulating commerce. But the ticket issued by the State does not arise under any congressional
12 act. Nor does it raise issues about commerce with foreign nations, among states, or with Indian
13 tribes.

14 I THEREFORE ORDER that this action is remanded to the Las Vegas Justice Court from
15 which it was removed for all further proceedings. The clerk of court is instructed to close this
16 case.

17 DATED this 20th day of December, 2022.
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19 ANDREW P. GORDON
20 UNITED STATES DISTRICT JUDGE
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